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EXAMINER

GART, MATTHEW S

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/672,934

Applicant(s)

HADFIELD ET AL.

Examiner

Matthew s Gart

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 12-19 and 26-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/28/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: .

### DETAILED ACTION

Claims 1-11, 20-25 and 31-46 are pending in the instant application. Claims 12-19 and 26-30 were withdrawn from consideration as being directed to a nonelected Group in Paper No. 4.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-11, 20-25, and 31-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Nick U.S. Patent No. 6,003,012.**

Referring to claim 1. Nick discloses a method for selling engineered electrical systems (Abstract), the method comprising the steps of:

- Generating a database for an electrical system comprising a plurality of programmable devices, the database including device designation data (Fig. 10);
- Soliciting an order for the system (Fig. 6, "Step 191");
- Assembling the system including the plurality of programmable devices (Abstract); and
- Configuring memory objects within the devices based upon the database (Fig. 10 and column 19, lines 46-67).

Art Unit: 3625

Referring to claim 2. Nick further discloses a method comprising the step of designing the electrical system including the plurality of programmable devices (Fig. 6 and column 13, line 6 to column 14, line 30).

Referring to claim 3. Nick further discloses a method wherein the device designation data includes data representative of a physical location of a device in the system (Fig. 2 and column 13, line 6 to column 14, line 30).

Referring to claim 4. Nick further discloses a method wherein the device designation data includes data representative of a function of a device in the system (Fig. 6 and column 20, lines 46-61).

Referring to claim 5. Nick further discloses a method wherein the step of soliciting the order includes computing price data, based upon the database (column 20, lines 15-34).

Referring to claim 6. Nick further discloses a method comprising the step of storing the database in a computer coupled to the system (Fig. 10).

Referring to claim 7. Nick further discloses a method wherein the system includes a plurality of subassemblies, at least a portion of the subassemblies including at least one programmable device, and wherein the memory objects of the programmable devices are configured after arrangement of the devices on the subassemblies (column 12, line 35 to column 13, line 6).

Referring to claim 8. Nick further discloses a method wherein the memory objects of the programmable devices are configured prior to arrangement of the subassemblies in the system (Figs. 10, 11, and 12).

Art Unit: 3625

Referring to claim 9. Nick further discloses a method wherein the memory objects of the programmable devices are configured after arrangement of the subassemblies in the system (Figs. 10, 11, and 12).

Referring to claim 10. Nick further discloses a method wherein the programmable devices include electrical power switching devices mounted within an enclosure (Abstract).

Referring to claim 11. Nick further discloses a method wherein the system includes a motor control center (Abstract).

Referring to claim 20. Claim 20 is rejected under the same rational as set forth above in claim 1.

Referring to claim 21. Nick further discloses a method wherein the programmable components are programmed by downloading a portion of the database into each programmable component (Fig. 10 and column 19, lines 46-67).

Referring to claim 22. Claim 22 is rejected under the same rational as set forth above in claim 3.

Referring to claim 23. Nick further discloses a method wherein the step of programming the programmable components is performed following final assembly of the components in the system (Figs. 10, 11, and 12).

Referring to claim 24. Nick further discloses a method wherein the step of assembling the system includes coupling the programmable components to a data network in the system for accessing data from each programmable component (column 20, lines 1-14).

Art Unit: 3625

Referring to claim 25. Nick further discloses a method wherein the programmable components are programmed via the data network (column 20, lines 1-14).

Referring to claim 31. Claim 31 is rejected under the same rational as set forth above in claim 1.

Referring to claim 32. Claim 32 is rejected under the same rational as set forth above in claim 4.

Referring to claim 33. Claim 33 is rejected under the same rational as set forth above in claim 3.

Referring to claim 34. Claim 34 is rejected under the same rational as set forth above in claim 1.

Referring to claim 35. Claim 35 is rejected under the same rational as set forth above in claim 4.

Referring to claim 36. Claim 36 is rejected under the same rational as set forth above in claim 5.

Referring to claim 37. Claim 37 is rejected under the same rational as set forth above in claim 6.

Referring to claim 38. Claim 38 is rejected under the same rational as set forth above in claim 7.

Referring to claim 39. Claim 39 is rejected under the same rational as set forth above in claim 8.

Art Unit: 3625

Referring to claim 40. Claim 40 is rejected under the same rational as set forth above in claim 9.

Referring to claim 41. Claim 41 is rejected under the same rational as set forth above in claim 7.

Referring to claim 42. Claim 42 is rejected under the same rational as set forth above in claim 1.

Referring to claim 43. Claim 43 is rejected under the same rational as set forth above in claim 3.

Referring to claim 44. Claim 44 is rejected under the same rational as set forth above in claim 9.

Referring to claim 45. Claim 45 is rejected under the same rational as set forth above in claim 24.

Referring to claim 46. Claim 46 is rejected under the same rational as set forth above in claim 25.

### ***Response to Arguments***

Applicant's arguments filed 30 June 2003 have been fully considered but they are not persuasive.

The Applicant argues that Nick (U.S. Patent No. 6,003,012) should have been applied using 35 U.S.C. 102(a). Nick was issued on 14 December 1999 and was filed 5 December 1997. The instant application was filed 28 September 2000. 35 U.S.C. 102(e) was correctly applied in the instant application, because the invention was

Art Unit: 3625

described in a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent.

The Applicant argues that Nick does not recite, "Configuring memory objects within the devices based upon the database."

The Examiner notes, the product selector program **223** is accessed by a sales engineer at a computer terminal **227** to obtain a quote or to place an order. The product selector program **223** accesses a product database 228, including questions and valid answers about products that can be quoted or ordered. Specified features or components can either be locked out of a quote or order, or included in a quote or order that is validated. If the specified features or components are valid in a standard switchboard, the product selector program invokes the switchboard configuration program module to design a standard switchboard including the specified features or components. This standard switchboard design is the basis for either a quote or a list of components and manufacturing instructions for an order. The list of components and manufacturing instructions is passed to the MRP system program 224 (column 19, lines 46-67).

The Applicant argues that the "Product Data Base" as disclosed by Nick is employed solely in a product-ordering context.

The Examiner notes, as shown in Fig. 10, the "Inventory Data Base" as disclosed by Nick is employed solely in a product-ordering context. The "Product Data Base" as disclosed by Nick is used in conjunction with the "Product Selection Program" for



Art Unit: 3625

product configurations. The "Product Data Base" contains information that drives the switchboard configuration program module, whereby device designation data is utilized.

The Examiner further notes, referring to Fig. 11, the product selector **223** and the switchboard configuration module **225** are shown being used to generate a quote. The product selection **223** passes a list of standard features to the switchboard configuration module **225**. The switchboard configuration module applies layout and restriction logic to design a standard switchboard by selecting and arranging a set of compatible modules, components and parts that provide the specified features. These compatible modules, components and parts are all stored within the "Product Data Base."

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 3625


Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

July 8, 2003

  
Jeffrey A. Smith  
Primary Examiner